

watch list to try to prevent that kind of slippage from occurring. Yes, the sword of Damocles has been removed, for the time being, from these countries, and there were some 15 that were on Tier III that were at risk of losing significant benefits from the United States Government, many of which got off that through a flurry of activity. But I want them to know, and I say this in bipartisan way, we will be watching. If there is any backsliding, if they do not continue the work to mitigate, and hopefully end, this horrific practice of human slavery, they will lose those benefits. We will take our case everywhere, including the World Bank, international multilateral lending institutions, and they will lose their support if they do not end this complicity in human trafficking. So the watch list is a very important inclusion in this statute or soon-to-be statute. I just want to bring Members' attention to it.

Mr. Speaker, this is a good bill, a bipartisan bill, and I hope Members will support it.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HEFLEY). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 2620, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### E-911 IMPLEMENTATION ACT OF 2003

Mr. UPTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2898) to improve homeland security, public safety and citizen activated emergency response capabilities through the use of enhanced 911 wireless services, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2898

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "E-911 Implementation Act of 2003".

#### SEC. 2. COORDINATION OF E-911 IMPLEMENTATION.

Part C of title I of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 901 et seq.) is amended by adding at the end the following:

#### "SEC. 158. COORDINATION OF E-911 IMPLEMENTATION.

"(a) E-911 IMPLEMENTATION COORDINATION OFFICE.—

"(1) ESTABLISHMENT.—The Assistant Secretary and the Administrator of the National Highway Traffic Safety Administration shall—

"(A) establish a joint program to facilitate coordination and communication between Federal, State, and local emergency communications systems, emergency personnel, public safety organizations, telecommunications carriers, and telecommunications equipment manufacturers and vendors involved in the implementation of E-911 services; and

"(B) create an E-911 Implementation Coordination Office to implement the provisions of this section.

"(2) MANAGEMENT PLAN.—The Assistant Secretary and the Administrator shall jointly develop a management plan for the program established under this section. Such plan shall include the organizational structure and funding profiles for the 5-year duration of the program. The Assistant Secretary and the Administrator shall, within 90 days after the date of enactment of this Act, submit the management plan to the Committees on Energy and Commerce and Appropriations of the House of Representatives and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate.

"(3) PURPOSE OF OFFICE.—The Office shall—

"(A) take actions, in concert with coordinators designated in accordance with subsection (b)(3)(A)(ii), to improve such coordination and communication;

"(B) develop, collect, and disseminate information concerning practices, procedures, and technology used in the implementation of E-911 services;

"(C) advise and assist eligible entities in the preparation of implementation plans required under subsection (b)(3)(A)(iii);

"(D) receive, review, and recommend the approval or disapproval of applications for grants under subsection (b); and

"(E) oversee the use of funds provided by such grants in fulfilling such implementation plans.

"(4) REPORTS.—The Assistant Secretary and the Administrator shall provide a joint annual report to Congress by the first day of October of each year on the activities of the Office to improve coordination and communication with respect to the implementation of E-911 services.

"(b) PHASE II E-911 IMPLEMENTATION GRANTS.—

"(1) MATCHING GRANTS.—The Assistant Secretary and the Administrator, after consultation with the Secretary of Homeland Security and the Chairman of the Federal Communications Commission, and acting through the Office, shall provide grants to eligible entities for the implementation of phase II E-911 services through planning, infrastructure improvements, telecommunications equipment purchases, and personnel training.

"(2) MATCHING REQUIREMENT.—The Federal share of the cost of a project eligible for a grant under this section shall not exceed 50 percent. The non-Federal share of the cost shall be provided from non-Federal sources.

"(3) COORDINATION REQUIRED.—In providing grants under paragraph (1), the Assistant Secretary and the Administrator shall require an eligible entity to certify in its application that—

"(A) in the case of an eligible entity that is a State government, the entity—

"(i) has coordinated its application with the public safety answering points (as such term is defined in section 222(h)(4) of the Communications Act of 1934) located within the jurisdiction of such entity;

"(ii) has designated a single officer or governmental body of the entity to serve as the

coordinator of implementation of E-911 services, except that such designation need not vest such coordinator with direct legal authority to implement E-911 services or manage emergency communications operations;

"(iii) has established a plan for the coordination and implementation of E-911 services; and

"(iv) has integrated telecommunications services involved in the implementation and delivery of phase II E-911 services; or

"(B) in the case of an eligible entity that is not a State, the entity has complied with clauses (i), (iii), and (iv) of subparagraph (A), and the State in which it is located has complied with clause (ii) of such subparagraph.

"(4) CRITERIA.—The Assistant Secretary and the Administrator shall jointly issue regulations within 180 days of the enactment of the E-911 Implementation Act of 2003, after a public comment period of not less than 60 days, prescribing the criteria for selection for grants under this section, and shall update such regulations as necessary.

"(c) DIVERSION OF E-911 CHARGES.—

"(1) DESIGNATED E-911 CHARGES.—For the purposes of this subsection, the term 'designated E-911 charges' means any taxes, fees, or other charges imposed by a State or other taxing jurisdiction that—

"(A) appear on telecommunications services customers' bills; and

"(B) are designated or presented as dedicated to deliver or improve E-911 services.

"(2) CERTIFICATION.—Each applicant for a matching grant under this section shall certify to the Assistant Secretary and the Administrator at the time of application, and each applicant that receives such a grant shall certify to the Assistant Secretary and the Administrator annually thereafter during any period of time during which the funds from the grant are available to the applicant, that no portion of any designated E-911 charges imposed by a State or other taxing jurisdiction within which the applicant is located are being obligated or expended for any purpose other than the purposes for which such charges are designated or presented.

"(3) CONDITION OF GRANT.—Each applicant for a grant under this section shall agree, as a condition of receipt of the grant, that if the State or other taxing jurisdiction within which the applicant is located, during any period of time during which the funds from the grant are available to the applicant, obligates or expends designated E-911 charges for any purpose other than the purposes for which such charges are designated or presented, all of the funds from such grant shall be returned to the Office.

"(4) PENALTY FOR PROVIDING FALSE INFORMATION.—Any applicant that provides a certification under paragraph (1) knowing that the information provided in the certification was false shall—

"(A) not be eligible to receive the grant under subsection (b);

"(B) return any grant awarded under subsection (b) during the time that the certification was not valid; and

"(C) not be eligible to receive any subsequent grants under subsection (b).

"(d) AUTHORIZATION; TERMINATION.—

"(1) AUTHORIZATION.—There are authorized to be appropriated to the Department of Transportation, for the purposes of grants under the joint program operated under this section with the Department of Commerce, not more than \$100,000,000 for each of the fiscal years 2004 through 2008.

"(2) TERMINATION.—The provisions of this section shall cease to be effective on October 1, 2008.

"(e) DEFINITIONS.—As used in this section:

"(1) OFFICE.—The term 'Office' means the E-911 Implementation Coordination Office.

“(2) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the National Highway Traffic Safety Administration.

“(3) ELIGIBLE ENTITY.—

“(A) IN GENERAL.—The term ‘eligible entity’ means a State or local government or a tribal organization (as defined in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l))).

“(B) INSTRUMENTALITIES.—Such term includes public authorities, boards, commissions, and similar bodies created by one or more eligible entities described in subparagraph (A) to provide E-911 services.

“(C) EXCEPTION.—Such term does not include any entity that has failed to submit the most recently required certification under subsection (c) within 30 days after the date on which such certification is due.

“(4) E-911 SERVICES.—The term ‘E-911 services’ means both phase I and phase II enhanced 911 services, as described in section 20.18 of the Commission’s regulations (47 CFR 20.18), as in effect on the date of enactment of this section, or as subsequently revised by the Federal Communications Commission.

“(5) PHASE II E-911 SERVICES.—The term ‘phase II E-911 services’ means only phase II enhanced 911 services, as described in such section 20.18 (47 CFR 20.18), as in effect on such date, or as subsequently revised by the Federal Communications Commission.”

### SEC. 3. REPORT ON THE DEPLOYMENT OF E-911 PHASE II SERVICES BY TIER III SERVICE PROVIDERS.

Within 90 days after the date of enactment of this Act, the Federal Communications Commission shall submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate detailing—

- (1) the number of tier III commercial mobile service providers that are offering phase II E-911 services;
- (2) the number of requests for waivers from compliance with the Commission’s phase II E-911 service requirements received by the Commission from such tier III providers;
- (3) the number of waivers granted or denied by the Commission to such tier III providers;
- (4) how long each waiver request remained pending before it was granted or denied;
- (5) how many waiver requests are pending at the time of the filing of the report;
- (6) when the pending requests will be granted or denied;
- (7) actions the Commission has taken to reduce the amount of time a waiver request remains pending; and
- (8) the technologies that are the most effective in the deployment of phase II E-911 services by such tier III providers.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. UPTON) and the gentleman from California (Ms. ESHOO) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. UPTON).

#### GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material on H.R. 2898.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. UPTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we consider H.R. 2898, the E-911 Implementation Act of

2003, bipartisan legislation introduced by two members of the Committee on Energy and Commerce Subcommittee on Telecommunications and the Internet, the gentleman from Illinois (Mr. SHIMKUS) and the gentlewoman from California (Ms. ESHOO). As chairman of the Subcommittee on Telecommunications and the Internet, I am a proud original sponsor of this legislation as well.

Mr. Speaker, what many of our constituents may not realize is that when they make a 911 call from their cell phones, many emergency dispatch centers, otherwise known as public service answering points or PSAPs, cannot automatically locate where that call is coming from, unlike when such calls are made from landlines. All too often, we have heard horrific stories of how first responders could not get to a cell phone 911 caller quickly enough, or maybe not even at all, because they could not automatically locate where that caller was, and the circumstances were such that the caller was not able to tell the first responder where they were calling from. In such emergencies, time is of the essence. Seconds in such emergency responses can literally mean the difference between life and death.

For a number of years, our Nation’s wireless carriers and PSAPs have been in the midst of deploying Phase II E-911, which would, in fact, provide PSAPs with the automatic location information of cell phone callers who dial 9-1-1. While our Nation’s wireless carriers have been deploying the technology and the infrastructure to achieve Phase II E-911, our Nations PSAPs have been confronted by enormous challenges in getting their piece of the puzzle in place.

Our Subcommittee on Telecommunications and the Internet held a number of hearings on how we could overcome these challenges, and we arrived at a number of conclusions which form the basis of this legislation, H.R. 2898.

First and foremost, we need to help our Nation’s PSAPs cope with the financial demands of becoming Phase II ready. This bill answers the call by providing a significant grant program in the amount of \$100 million a year for 5 years, with a 50 percent non-Federal match requirement to States and municipalities to help them procure their Phase II equipment as well as their training.

Second, we need to ensure coordination and information sharing at all levels of government and with the other stakeholders as they continue to sort through the maze of challenges that lay ahead. This bill answers that call, too, by not only incentivizing States to have statewide E-911 coordinators, but also establishing a new Federal E-911 Coordination Office that will be a joint program office between NHTSA and the NTIA.

Third, we heard that some States have raided their E-911 surcharge monies collected from wireless customers

for things completely unrelated to E-911. This is nothing more than picking the pockets of consumers and stealing the funds which should be going toward deployment of this life-saving technology. This bill answers that call by creating disincentives to States who raid those E-911 funds. More to the point, no entity will be eligible for grant monies under this bill if they reside in a State that is raiding those E-911 surcharge accounts.

This bill has been favorably and unanimously reported out of our subcommittee and the full committee as well. Also, I would note it has been endorsed by two major public safety communications associations: The National Emergency Numbering Association and the Association of Public Safety Communications Officers, not to mention the Cellular Telecommunications and Internet Association.

I commend the gentleman from Illinois (Mr. SHIMKUS), who will be speaking later, as well as the gentlewoman from California (Ms. ESHOO) who will control the time for the other side for their bipartisan leadership on this important issue.

I also thank the gentleman from Louisiana (Chairman TAUZIN); the ranking member on the full committee, the gentleman from Michigan (Mr. DINGELL); and the gentleman from Massachusetts (Mr. MARKEY), the subcommittee ranking member, for their cooperation and teamwork. Finally, I want to thank the staff who have committed so much time and effort to the legislation, including Howard Waltzman and Will Nordwind from the majority committee and subcommittee staffs; Pete Filon and Colin Crowell from the minority committee and subcommittee staffs; and Courtney Anderson and Eric Olson for the sponsors’ staff.

Mr. Speaker, getting Phase II E-911 deployed will save lives, so passage of this bill is of the utmost importance. I would urge Members to support this important piece of legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. ESHOO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of this E-911 Implementation Act of 2003, legislation introduced with the gentleman from Illinois (Mr. SHIMKUS), who is also the cochair of the E-911 caucus, and a long-time partner in ensuring that our public safety community has the very best tools to locate every caller who dials 9-1-1.

The tragic events of September 11 and the continuing threat of terrorism within our country have increased the need for a reliable 911 system. Citizens across the country are being encouraged to call 9-1-1 whenever they notice suspicious activity. Our 911 system is really the backbone of hometown security.

E-911 or Enhanced 911 provides caller information, location information to public safety officials the second a call

is made. Many people do not realize that when an emergency call is made to 911, the speed with which the ambulance or the police car is dispatched depends on whether you are calling from your home phone or your cellular phone. Our bill ensures there is no difference in response between landline and cellular phones because every second counts when there is a life-threatening emergency.

Why should this be a priority for the Federal Government and the Congress, because over 150,000 wireless 911 calls are made every day representing over half of the 911 calls in our country. Each one of these calls is the single most important one that an individual will make because cell phones can and do save lives.

I have worked on this issue since 1996, when I introduced legislation to ensure that public safety entities would have the same ability to locate a wireless call as they do a wireline call.

□ 1545

The bill we bring before the House today passed both the Subcommittee on Telecommunications and the Internet and then the full Committee on Energy and Commerce by unanimous votes. That is not an easy thing to do with most legislation, so I am really proud of the effort that has been launched.

There are two key shortcomings hindering wireless 911 implementation today: funding and coordination. Our bill addresses both of these shortcomings by creating a joint E-911 implementation and coordination office at the Departments of Commerce and Transportation to better coordinate Federal, State, and local emergency communication services. If they are not coordinated, in short, it is not going to work. By authorizing \$500 million in grants over 5 years to enhance our emergency communication systems all across our country in all of our communities; and by preventing any State that has diverted their 911 fees for other purposes from qualifying for these Federal dollars. So we are motivating the States to join with us and to be able to make use of the dollars that we are setting up and not divert the money for other uses anymore.

Unfortunately, some States, including my own State of California, have raided the funds they have collected for 911 services, and they have used the funds for other purposes. This bill will end that practice, and we will be able to use the dollars that are collected to upgrade our E-911 facilities. This bill provides a Federal authorization to upgrade and to improve that emergency communication network across our country.

As my colleagues know, every bill authorizing Federal funds must be coupled with corresponding appropriation. I will work with my colleagues on both sides of the aisle to make sure that this very important authorization is fully funded. If it is not, it is not going to work.

No bill makes it to the floor of the House without the support and the guidance of our chairmen and our ranking members. I want to especially thank and salute Chairman TAUZIN and Chairman UPTON, without them, clearly we would not be here today, as well as Ranking Members DINGELL and MARKEY for making this bill a priority. I also want to thank the staff members who helped shape this legislation, especially Howard Waltzman who has done yeoman's work. I really salute you, Howard. And to Will Norwind with the Committee on Energy and Commerce staff; Peter Filon with the gentleman from Michigan (Mr. DINGELL); Colin Crowell with the gentleman from Massachusetts (Mr. MARKEY); Courtney Anderson with the gentleman from Illinois (Mr. SHIMKUS); and our wise telecommunication legislative counsel, Steve Cope. No one has done more, in my view, than Eric Olson of my staff. I am proud of his work, and I am very grateful to him for it.

I would also like to thank Steve Seitz, Richard Taylor, John Melcher, and the brave men and women of the National Emergency Numbering Association who continually strive to improve and enhance our Nation's emergency communications system. I am especially proud of Chip Yarborough, a member of NENA, who has worked tirelessly to ensure the 911 system in my congressional district works seamlessly to help those who need it. Bob Gurs with the Association of Public Safety Communications Officials, David Ayward of ComCare, Jonas Neihardt with Qualcomm, Mike Amarosa of True Position and the Cellular Telephone Industry Association all deserve our thanks for making E-911 a priority. Their critical assistance has really ensured that this bill improved at every step of the process. It has been a long journey, and I want to salute them, too.

Last but not least, I want to thank the gentleman from Illinois (Mr. SHIMKUS), my wonderful colleague and partner in this. He has been a believer. He has been a leader. He has used his humor as well as all his legislative tools to move this along. I cannot thank him enough. He has been a wonderful partner. It has been fun doing this with the gentleman.

I urge all of my colleagues to support this legislation because it is good for our country and it is going to move us ahead and be able to coordinate at every level for every emergency whether it is at the local level or at the national level. I am proud to have been a part of this.

Mr. Speaker, I yield back the balance of my time.

Mr. UPTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. TAUZIN), the chairman of the full committee.

Mr. TAUZIN. Mr. Speaker, let me first indicate that, of course, I am rising in strong support of H.R. 2898, the

E-911 Implementation Act of 2003. House bill 2898 has already passed the House Committee on Energy and Commerce; and it did so unanimously, as one might expect.

Mr. Speaker, it is important we commend the authors, first of all. I want to congratulate the gentleman from Illinois (Mr. SHIMKUS) and the gentlewoman from California (Ms. ESHOO) for this incredibly important legislation. I obviously want to thank the gentleman from Michigan (Mr. UPTON), the chairman of the subcommittee, who has done such a great job, along with the gentleman from Massachusetts (Mr. MARKEY), the ranking member, in moving this bill forward. Of course, we always need to extend our great thanks for the cooperative spirit we always get from the ranking member of our committee, the gentleman from Michigan (Mr. DINGELL), who has on so many occasions provided the bipartisan spirit by which we move important pieces of legislation like this.

Mr. Speaker, most of the bills we debate in this body are about money, about how to spend it and who to spend it on and what are our priorities, how to raise it and how to distribute it in this great country. This bill is about lives. It is about saving lives. It is about improving the infrastructure by which this country addresses the worst of situations Americans find themselves in, lost on a highway, in the middle of an accident with nobody there to help them; a young woman on a bike path or a jogging path who gets assaulted, who tries to get help in the 911 system but no one can locate her.

It is about whether or not an ambulance arrives in time to save a life or in some cases to save a limb or to save someone from a debilitating injury that could have been prevented if only the first responders could have gotten there in time. It is also about in this time of national concern with terrorism and this war we constantly battle now, a question of whether our infrastructure is going to be good enough for us to quickly respond when things happen that we hope will not happen again in this country.

It is about saving lives, like the Firestone investigation that our committee conducted several years ago that produced the first major rewrite of highway safety laws in 30 years that was adopted in this House unanimously and in the Senate unanimously. A remarkable process. Like that bill, this bill when it becomes law, when it is fully implemented, will save American lives, will create the possibility of smart cars, will take the search out of search and rescue, and will give us a chance to quickly locate people who need to be located quickly because relief, help, medical attention, other services must reach them quickly to save a life or prevent, as I said, a debilitating injury. E-911 is all about that.

The grants in this bill will go to those communities that more aggressively push out the PSAPs, the point of

answers in the local systems that are going to be important to this system to work. It is going to help wireless systems and the wired systems cooperate so that we can in fact have an infrastructure that communicates well with one another. Those points of presence that are going to make a difference as to whether or not you have E-911 present in your community are going to be spreading out across this country and be more available to more and more communities as a result of the grants in this program. This bill makes it clear to communities that the monies we have given them for E-911 deployment that have been siphoned off and used for other purposes is not going to be tolerated. This is lifesaving money, and no one should be raiding those funds for any other purpose. This bill makes it clear we will not tolerate that anymore.

The sooner these systems are in place, trust me, someone you love will thank you, because someone you know, someone you love in the district you are so honored and privileged to represent back home, someone will have some life saved. Someone will come out of a horrible accident with help in time to prevent a disabling condition that could have been prevented if the ambulance or the medics arrived in time. Someone will thank you that today this House, and hopefully the other body quickly, will pass a law that implements this system sooner rather than later in time to make a difference. That is how important this legislation is today.

So while we stay here in the waning days of November trying to wrap up our money business, all our appropriation measures and a few other critical, important things, today will be an extremely important day in the history of this Congress, because today we are going to save some lives.

Mr. Speaker, I rise today in strong support of H.R. 2898, the E-911 Implementation Act of 2003. H.R. 2898 passed the House Energy and Commerce Committee unanimously on October 1st.

I commend the bill's sponsor, Representatives SHIMKUS and ESHOO, for introducing this important legislation. And I commend Subcommittee Chairman UPTON and Ranking Member MARKEY for moving it expeditiously through their subcommittee. Finally, I want to thank my good friend JOHN DINGELL for his cooperation with moving H.R. 2898 through our committee.

H.R. 2898 will help states and localities that are making a strong effort to implement Phase II E-911 services. The nation's largest wireless carriers have done a good job implementing or putting themselves on a clear path to implementing Phase II E-911 technology in their networks and handsets.

But the readiness of carriers to provide safety answer points (PSAPs) with location information will be meaningless if PSAPs do not have the ability to use such information. And too many PSAPs are woefully behind in deploying E-911 services. Only 18 percent of PSAPs and 11.8 percent of counties nationwide have implemented Phase II E-911 technology.

Mr. Speaker, nationwide implementation of Phase II technology has enormous public safety and homeland security benefits for the United States. We can save countless lives if emergency personnel can locate people with life-threatening injuries. And law enforcement will be able to prevent or detect more terrorist activities.

Mr. Speaker, I would like to dispel a few myths about this bill. This bill does not reward counties and PSAPs that are sitting on their hands rather than deploying Phase II services.

No state, county, or PSAP, can simply come to the federal government and ask it to pay for Phase II deployment. H.R. 2898 has a minimum 50 percent matching requirement. You have to be actively engaged in Phase II deployment in order to qualify for money under this program.

Some have argued that Congress does not need to authorize new spending for this initiative and that funding for it should be derived from existing homeland security and law-enforcement funds. Well, robbing Peter to pay Paul is not how we are going to solve our nation's homeland security and law-enforcement problems. Congress should be funding homeland security and E-911 initiatives; Congress should not choose between the two.

Some have argued that H.R. 2898 does not provide enough specific eligibility criteria to ensure that the agencies implementing the legislation will not provide grants to wealthy counties. But Congress does not need to unnecessarily tie the hands of NTIA and NHTSA. I expect NTIA and NHTSA to work very closely with Congress when it crafts the eligibility requirements. Grants should be, and will be, distributed based on means and will reward entities that are devoting significant resources of their own on Phase II E-911 deployment.

And this bill ensures that grants cannot be distributed to counties in states that are raiding E-911 funds for other purposes. This critical element of the bill provides a huge incentive to states and localities to devote their resources to E-911 deployment.

Mr. Speaker, I again commend my colleagues for their hard work on H.R. 2898, and I strongly urge my colleagues to vote in favor of this legislation.

Mr. UPTON. Mr. Speaker, I submit three letters for printing in the CONGRESSIONAL RECORD: one from the CTIA, another from APCO, and the remaining one from the National Emergency Number Association in support of the legislation.

CELLULAR TELECOMMUNICATIONS &  
INTERNET ASSOCIATION,  
WASHINGTON, DC, OCTOBER 27, 2003.  
Hon. BILLY TAUZIN,  
Chairman,

Hon. JOHN DINGELL,  
Ranking Member,  
Committee on Energy and Commerce,  
House of Representatives, Washington, DC.

DEAR CHAIRMAN TAUZIN AND CONGRESSMAN DINGELL: On behalf of the Cellular Telecommunications & Internet Association (CTIA), I would like to express our support for H.R. 2898, the E9-1-1 Implementation Act of 2003. CTIA represents more than 400 member companies, including both wireless carriers and manufacturers of wireless telecommunications equipment.

Once in place, E9-1-1 location technology will speed delivery of emergency services to people in need. Unfortunately, too often, states and localities have diverted E9-1-1

funds collected by carriers from wireless consumers to fund unrelated activities. This legislation will protect E9-1-1 funds while simultaneously strengthening statewide coordination and cooperation among local phone companies, wireless carriers, and public safety. The wireless industry has made important strides in developing and implementing E9-1-1 location technology. H.R. 2898 will help ensure that states and localities develop the necessary "best practices" to efficiently and effectively deploy location technology.

The wireless industry remains committed to implementing this vital technology and applauds your leadership on this important issue.

Sincerely,

STEVEN K. BERRY.

NATIONAL EMERGENCY NUMBER  
ASSOCIATION,

Washington, DC, October 27, 2003.

Hon. JOHN SHIMKUS,  
Hon. ANNA ESHOO,  
House of Representatives,  
Washington, DC.

DEAR REPRESENTATIVES SHIMKUS AND ESHOO: Those of us in the public safety community have long championed the belief that a robust nationwide Enhanced 9-1-1 (E9-1-1) system for wireless telephone calls is one of the most important components of a nationwide plan to promote national security and public safety. The accomplishment of this goal requires close coordination among public safety officials, the communications industry, and relevant government officials.

On behalf of the National Emergency Number Association (NENA), and our 7,000 members, we applaud your leadership, initiative and co-sponsorship of H.R. 2898, the "E9-1-1 Implementation Act of 2003." We further support your leadership, by endorsing H.R. 2898 and the need for national legislation to provide additional funding for state and local government implementation of E9-1-1 across the nation.

In supporting H.R. 2898, we seek priority of our nation's 9-1-1 system. And as a national priority, we must stop the improper siphoning of public funds that have been set aside to upgrade the 9-1-1 system. Equally we must provide additional assistance from the federal government to complete the implementation of E9-1-1. Enabling our 9-1-1 system to locate a caller in an emergency is fundamental to our nation's homeland security, defense and response capabilities in the 21st Century.

While there is much to applaud in the many ongoing efforts to implement E9-1-1, the goal of E9-1-1 "anywhere and everywhere" remains elusive. For this reason, we strongly encourage and support a greater role from the federal government to provide resources, leadership and expectations to ensure a fully functional E9-1-1 system today; and well into the future.

Again, we thank you for your leadership and urge the Congress to take steps to improve our nation's 9-1-1 system.

RICHARD TAYLOR,  
President.

APCO INTERNATIONAL,  
Daytona Beach, FL, October 27, 2003.

Hon. W.J. TAUZIN,  
Chairman, Energy and Commerce Committee,  
House of Representatives, Washington, DC.

DEAR CHAIRMAN TAUZIN: I am writing to reiterate our strong support for H.R. 2898, the "E9-1-1 Implementation Act of 2003." The bill will provide a critical source of funding to help state and local governments to implement technology to locate 9-1-1 emergency calls from wireless telephones.

FCC regulations currently require wireless telephone companies to implement technology to locate 9-1-1 calls. Without that capability, emergency first responders may be unable to find emergencies in time to save lives and property, especially where those reporting the emergency are unable to identify accurately their exact location.

State and local government emergency communications centers, known as "Public Safety Answering Points" or "PSAPs" must upgrade their operations to receive and process location information from wireless phones. Unfortunately, many jurisdictions lack the resources to make those upgrades, and other funding sources are often insufficient. H.R. 2898 would establish a modest, but critical source of additional funding for this life-saving technology.

APCO is the nation's oldest and largest public safety communications organization. Most of APCO's over 16,000 members are involved in the management and operation of communications systems for state and local government police, fire, EMS and other public safety agencies. APCO hopes that Congress will move quickly to adopt this important legislation.

Sincerely,

VINCENT STILE,  
President.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. SHIMKUS), the author of the bill.

(Mr. SHIMKUS asked and was given permission to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, it is an honor and a privilege to be here today. I have some prepared remarks, but I think a lot of it has already been said. I have a plaque in my office that was given during my first term. It is a quote from Ronald Reagan that says: "You can get a lot done when you don't care who gets the credit." I think that is part of the success of this piece of legislation.

I want to also take the time to thank the gentlewoman from California (Ms. ESHOO) for her leadership and her friendship in this. A lot of times we move on legislation that we think is important. There are always people who see it early. She saw this need early. When we were talking about getting 911 to be the national number, she was already talking about, let's get location identification; let's worry about these other issues and push that. My personal thanks for shepherding this through.

I was at the FCC last week with my crack staffer and our friends in the other body were there, at least one of them, and I could gloat a little bit that I had heard from leadership that this bill was going to be brought up next week. Of course, in the People's house here, we always have that battle with our friends in the other body. So I also want to thank the leadership for allowing us to bring this up expeditiously because it is a piece of legislation that was crafted in the way we wish all pieces of legislation were. We know it cannot be based upon our fights over ideology and the like, but the system does work when we can look towards common goals. Our passage through

the subcommittee, led by Chairman UPTON and then through the full committee led by Chairman TAUZIN, and, of course, the ranking members, MARKEY and DINGELL, made it a very easy case to say to the leadership, "this bill should be on the floor."

What does that mean? With our passage today, we now set a marker to our friends across the rotunda to say, let's move. Because this is just one part of the long dance that we have. We have to pass it here. They have to pass it. Hopefully, now we can get them to accept our language to move it more rapidly and then we can get something to the President's desk, because the sooner we get it into legislation, the sooner we get authorization language in the battle, then when the appropriations cycle begins, right now really. Even though we have not finished this year, we already should be looking at next year's appropriations cycle. We have got to get our placeholder there. We have got to get the marker in. As soon as this becomes true and just in the legislative language, we are going to have a lot of success.

We have talked with all the emergency responders. Everybody wants to do the right thing. Everybody is at different levels of technology and coordination. Basically this piece of legislation brings them together. Then it provides some grants. Everybody gets keyed up about Federal funding, but this is really small potatoes as far as dollars based upon the millions of dollars that are being put in from, in essence, the coalition, the Public Service Answer Points, the PSAPs, to the cellular industry itself, to the local exchanges. There is a lot of money being put out there.

I fortunately have a State that has been pretty good as far as putting their money into the programs. But that is not to say that they will always be that way. So when we also put this in the legislation saying this money has to go for that, otherwise you cannot apply for grants, we are going to address a major need that Chairman TAUZIN mentioned.

I have a list of 911 tragedies here. I am not going to read them, but they are from all over the country: Rochester, New York; Miami, Florida; Santa Fe, New Mexico; Fort Lauderdale, Florida; Littleton, Colorado; Day County, South Dakota; Atlanta, Georgia; Orlando, Florida; Lansing, Michigan; San Jose, California; Fort Wayne, Indiana; rural Michigan; and the State of New Jersey. No one is exempt from someone not being able to receive the care or the response because of not being identified. The 911 calls, 50 percent of them are cellular calls these days.

We are doing good public policy. I am very proud to be a part of the coalition of legislators that have found success so far. I am going to encourage all of my colleagues to help us do that in the passage today. Then we will have to get back to work and work on our friends in the other Chamber.

□ 1600

I think we will have receptive ears, and then, hopefully, we can go talk to the President and get this thing put into law.

Mr. Speaker, I thank the chairman for yielding me this time.

Mr. UPTON. Mr. Speaker, I yield myself such time as I may consume.

Just in closing, I want to again thank the lead authors. They have both been real players on our subcommittee all year long. I have appreciated their active participation on so many issues. We have worked on a bipartisan basis on virtually everything, and as we look at the end of this legislative calendar year, this is certainly a major success, and I can remember our first hearings when we began this journey to get this legislation done, virtually every single Member, Republican and Democrat, personally had made a E-911 call from their cell phone. We had all had different experiences as we thought about the calls we made in our district. All of us know our district like a blanket. We could tell exactly where we were. But when we are in somebody else's district, whether it be here in Washington, D.C. or I remember the gentleman from Nebraska (Mr. TERRY), who is also very active on this, when he talked about going from Nebraska to Colorado, he had no clue where he was on that highway, wherever it was, and we all felt very frustrated as we saw these accidents literally appear before us. So this is legislation that perhaps some in the industry were not supportive of at the beginning. We pushed them along. They are now fully on board. We have sent a message to the States: They are collecting money from us in our bills to make sure that this legislation is coming through. Spend it the right way, and if they do not, then they do not participate in this program.

I think, too, the session that we had at the FCC, where the gentleman from Illinois and other Members on both sides of the aisle were there, we embarrassed some of the States that are using the money for other purposes. Let us get this money spent for the reason it is being collected, for the right cause so that we will save the lives that all of us want to save. I urge my colleagues to support this legislation.

Mr. GREEN of Texas. Mr. Speaker, I rise in strong support of H.R. 2898. This legislation is desperately needed to ensure the rollout of E-911 across the country.

I want to thank my colleagues ANNA ESHOO and JOHN SHIMKUS on the House Energy and Commerce Committee for their work on this issue and moving this to the floor as quickly as possible.

Improving public safety is a constant struggle, as I have learned working on improving 911 services for the Houston area and the entire state of Texas as a state legislator.

Enhanced 911, which will allow folks in trouble to be located by rescue crews and police just by dialing three simple numbers, is a necessary next step.

It is critical because many times when a wireless caller calls 911, they either cannot talk or they do not know where they are.

The technology exists to help people in danger—I saw successful demonstration at the FCC just last week. And this legislation addresses the technical issues for industry, local government, and regional concerns, so no further delay is justified.

While lives are being saved in my area of Harris County where we are Phase Two complete for E-911, lives are still being needlessly lost in other areas where compliance is lagging.

Unfortunately, many other jurisdictions, including many in large rural areas of Texas do not have the resources necessary to upgrade their 911 systems.

We are not all safe when we travel on the roads until E-911 is up and running nationwide.

Public safety should be a top priority. States moving E-911 funds to other purposes deceives wireless consumers who saw that E-911 funding on their cell phone bills.

Coming from Texas, I know what it means to children and families hit by huge budget cuts, but E-911 is necessary—it is a proven life-saver. This legislation brings funding, accountability, and sensitivity to rural areas to the process and deserves strong support.

Mr. DINGELL. Mr. Speaker, consumers who dial 911 from their wireless phones expect emergency responders to be able to locate them, just as if they had dialed 911 from a wireless phone. All too often today, however, emergency responders have no such ability.

The House is poised to take an important step to address this problem. To this end, I am pleased to support H.R. 2898, the "E-911 Implementation Act of 2003," as amended. This bill will take three important steps to help ensure that first responders can rapidly locate persons dialing 911 from a wireless phone. First, it will set up a federal office to help coordinate E-911 build-out. Second, it will provide federal matching grants to assist cash-strapped states and local communities in deploying E-911 technologies. Third, it will provide strong incentives to ensure that states no longer raid their E-911 funds for non-E-911 purposes.

I commend Chairmen TAUZIN and UPTON for working closely with Representatives ESHOO and SHIMKUS, the authors of the underlying bill and co-chairpersons of the Congressional E-911 Caucus. I am pleased to support this important bill and look forward to working with the appropriators to ensure that this grant program is fully funded.

Ms. SLAUGHTER. Mr. Speaker, I rise in strong support of H.R. 2898, the E-911 Implementation Act of 2003.

As a member of the Congressional E-911 Caucus, I want to thank my colleagues ANNA ESCHOO and JOHN SHIMKUS for their leadership and tireless advocacy on this critical public safety issue.

I would also like to recognize the efforts of a leader on this issue that many of you may not know—New York State Assemblyman David Koon.

Long before there was a Congressional E-911 Caucus, David was championing wireless enhanced 911. My constituents in Rochester have long appreciated David's tireless advocacy to get local government the resources they need to deploy E-911.

Today, 911 calls made on cell phones account for nearly a third of all emergency calls. By 2004, cell phones are expected to be the main source of 911 emergency calls. Most Americans with cell phones will tell you that they bought them for emergencies. They fully expect that if they have a health emergency or are in an accident—they can dial 9-1-1 and help will be on the way.

Back in 1999, Congress tried to make sure that happened by passing the Wireless Communications and Public Safety Act. However, today, most wireless phones still do not provide emergency dispatchers with automated caller location or identification information.

There's strong consumer demand for E-911, the technology needed to identify and locate wireless callers has long been available, and so Congress had to ask "why the hold-up?"

The chief barrier to universal E-911 deployment is money. Many localities will tell you they have had to put off implementing E-911 because it is too costly.

This was not supposed to happen.

Under the 1999 Act, States were given the power to collect surcharges on all cell phones, blackberries and other wireless devices to fund E-911 service. Unfortunately, the E-911 fund has become an easy target for looting by states that are struggling to cover shortfalls in law enforcement and emergency service budgets.

In New York State alone, over \$200 million has been collected in surcharges since 1991.

This money is supposed to be earmarked for setting up a state-wide Wireless Enhanced 911 system, but instead the money has gone to the state police, who have spent the funds on departmental dry cleaning bills, ballpoint pens, travel, are leases, grounds maintenance for precincts and winter boots, according to the New York State comptroller's office.

I strongly believe that the millions of New York residents who pay the "E-911 surcharge" on their monthly cell phone bills are owed E-911 service when they need it. That's why I am an original cosponsor of H.R. 2898.

Under this measure, \$500 million in grants would be available to the states over five years to establish and upgrade E-911 facilities. I also am encouraged that H.R. 2898 would penalize states that redirect E-911 funds collected from consumer's cell phone bills. That's the only way to make them honest.

Mr. Speaker, I strongly urge my colleagues to join me in passing this important legislation. Its essential that we act on this legislation. It will save lives. Bright, beautiful, hopeful lives of Americans are at stake.

Ten years ago, Jennifer Koon, an 18-year old, was abducted from a mall parking lot in Rochester. She called 911. Her call could not be traced and Jennifer was killed.

In 1993, the technology was not readily available. Today that is not the case. Mr. Speaker passage of H.R. 2898 is essential to providing parents, like Assemblyman David Koon, with the assurance that their children will get the help they need when they dial 911—regardless of whether they dial it on a cell phone or on their home phone.

Mr. UPTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HEFLEY). The question is on the motion offered by the gentleman from Michi-

gan (Mr. UPTON) that the House suspend the rules and pass the bill, H.R. 2898, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## ANIMAL DRUG USER FEE ACT OF 2003

Mr. UPTON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 313) to amend the Federal Food, Drug, and Cosmetic Act to establish a program of fees relating to animal drugs, as amended.

The Clerk read as follows:

S. 313

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Animal Drug User Fee Act of 2003".

### SEC. 2. FINDINGS.

Congress finds as follows:

(1) Prompt approval of safe and effective new animal drugs is critical to the improvement of animal health and the public health.

(2) Animal health and the public health will be served by making additional funds available for the purpose of augmenting the resources of the Food and Drug Administration that are devoted to the process for review of new animal drug applications.

(3) The fees authorized by this Act will be dedicated toward expediting the animal drug development process and the review of new and supplemental animal drug applications and investigational animal drug submissions as set forth in the goals identified, for purposes of part 4 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Energy and Commerce of the House of Representatives and the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate as set forth in the Congressional Record.

### SEC. 3. FEES RELATING TO ANIMAL DRUGS.

Subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379f et seq.) is amended by adding at the end the following part:

#### "PART 4—FEES RELATING TO ANIMAL DRUGS

##### "SEC. 739. DEFINITIONS.

"For purposes of this subchapter:

"(1) The term 'animal drug application' means an application for approval of any new animal drug submitted under section 512(b)(1). Such term does not include either a new animal drug application submitted under section 512(b)(2) or a supplemental animal drug application.

"(2) The term 'supplemental animal drug application' means—

"(A) a request to the Secretary to approve a change in an animal drug application which has been approved; or

"(B) a request to the Secretary to approve a change to an application approved under section 512(c)(2) for which data with respect to safety or effectiveness are required.

"(3) The term 'animal drug product' means each specific strength or potency of a particular active ingredient or ingredients in final dosage form marketed by a particular manufacturer or distributor, which is